

6-638750

LEWIS & McKENNA
Attorneys for Plaintiff
MAERSK INC., as agents for A.P. Moller-Maersk A/S
82 East Allendale Road
Saddle River, New Jersey 07458
(201) 934-9800
JM5911

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
MAERSK INC., as agents for
A.P. MOLLER-MAERSK A/S

Plaintiff,

- against -

CIVIL COMPLAINT
IN ADMIRALTY

CHOLITA CORP.,

Defendant.

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Plaintiff MAERSK INC., as agents for A.P. MOLLER-MAERSK A/S, by its attorneys, LEWIS & McKENNA, as and for its Complaint against defendant CHOLITA CORP., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. This Court also has jurisdiction pursuant to the diversity statute, the parties being citizens of different states, and the amount in controversy exceeding \$75,000.00 exclusive of interest and costs.

2. At all times hereinafter mentioned, plaintiff MAERSK INC., as agents for A.P. MOLLER MAERSK A/S was and still is a corporation duly organized and

existing under the laws of the State of Delaware with offices and a place of business at 9300 Arrowpoint Blvd., Charlotte, NC 28273.

3. Upon information and belief and at all times hereinafter mentioned, defendant COLITA CORP. was and still as a corporation organized and existing under the Laws of the State of New Jersey, with offices and a place of business at 58 Henry Street, Hasbrouck Heights, N.J. 07604

4. On or about April 6, 2011 to the present, defendant was the receiver of goods carried on plaintiff's vessels on numerous occasions. Defendant received the goods in a timely fashion, but failed to either remove the goods from the port within the Free Time allowed by tariff, thereby incurring demurrage charges, or took the containers from the port, but failed to return same within the Free Time, thereby incurring charges totaling \$135,694.00 as per the Statement of Account annexed hereto as Exhibit A.

6. Plaintiff has duly performed all acts required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and refuse to remit the balance due of \$135,694.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$135,694.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon from the respective dates due, costs, disbursements, and a reasonable attorney's fee.

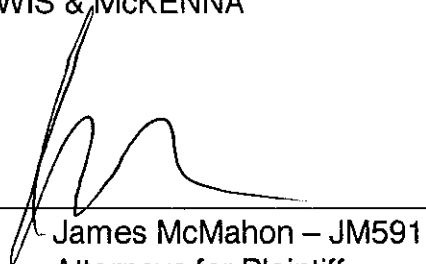
2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: Saddle River, New Jersey
February 5, 2014

LEWIS & McKENNA

By



James McMahon – JM5911
Attorneys for Plaintiff

OF COUNSEL:
LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES


**MAERSK
LINE**
MAERSK LINE
 9300 ARROWPOINT BOULEVARD
 CHARLOTTE NC 28273-8136
 USA

Account Statement Open Item

CHOLITA CORP
 58 HENRY ST
 HASBROUCK HEIGHTS NJ 07604

Attention: Accts Payable

Statement Issue Date: 02-04-2014
 Account Number: US00836806
 Statement Date: 02-04-2014
 Our Contact Person: Albert Avallone
 Our Contact Telephone:

Dear Valued Customer,

According to our records, the balance of your account with our company as of the date shown above is stated below. You are kindly requested to check below invoices and arrange payment to us accordingly.

If payment has already been forwarded for these items, please allow up to 7 days for them to be reflected on your statement.

Should you have any questions, please call or write to our contact mentioned above so that we may assist you in reconciling any discrepancies as soon as possible.

D	Type	Document	Reference	Customer Ref	Tran Date	Due Date	Amount	Cur
D	IMPORT	5244102551	553692508		04-06-2011	04-08-2011	3,024.00	USD
D	IMPORT	5244135935	553446784		04-16-2011	04-16-2011	3,024.00	USD
	PAYMENT	3411099350	3540002	555607118	12-19-2011	12-19-2011	30.00-	USD
	PAYMENT	3411099353	3540002	555752629	12-19-2011	12-19-2011	30.00-	USD
D	DET-INV	5245318091	556019984		02-22-2012	02-22-2012	289.00	USD
D	DET-INV	5245320927	556039906		02-23-2012	02-23-2012	867.00	USD
D	DET-INV	5245320928	556060376		02-23-2012	02-23-2012	289.00	USD
D	DET-INV	5245366158	556060376		03-06-2012	03-06-2012	1,545.00	USD
D	DET-INV	5245370687	556137856		03-07-2012	03-07-2012	1,934.00	USD
D	DET-INV	5245370686	556138112		03-07-2012	03-07-2012	1,545.00	USD
D	DET-INV	5245373764	863376602		03-08-2012	03-08-2012	2,323.00	USD
D	DET-INV	5245445841	863448934		03-27-2012	03-27-2012	1,934.00	USD
D	DET-INV	5245517241	863517336		04-13-2012	04-13-2012	1,156.00	USD
D	DET-INV	5246533917	558794966		01-01-2013	01-01-2013	578.00	USD
D	DET-INV	5246554830	865374817		01-08-2013	01-08-2013	867.00	USD
D	DET-INV	5246607910	865731188		01-23-2013	01-23-2013	2,312.00	USD
D	DET-INV	5246636400	558871394		01-30-2013	01-30-2013	4,657.00	USD

EXHIBIT "A"

MAERSK LINE
9300 ARROWPOINT BOULEVARD
CHARLOTTE NC 28273-8136
USA

**MAERSK
LINE**

Account Statement Open Item

CHOLITA CORP
58 HENRY ST
HASBROUCK HEIGHTS NJ 07604

Statement Issue Date: 02-04-2014
Account Number: US00836806
Statement Date: 02-04-2014
Our Contact Person: Albert Avallone
Our Contact Telephone:

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D	Type	Document	Reference	Customer Ref	Tran Date	Due Date	Amount	Cur
D	DET-INV	5246636401	558942375		01-30-2013	01-30-2013	4,657.00	USD
D	DET-INV	5246663767	559113989		02-06-2013	02-06-2013	2,323.00	USD
D	DET-INV	5246686244	865729985		02-12-2013	02-12-2013	6,602.00	USD
D	DET-INV	5246723755	865685260		02-21-2013	02-21-2013	5,046.00	USD
D	DET-INV	5246798475	865711133		03-14-2013	03-14-2013	14,500.00	USD
D	MANUAL	5246850560	MWCU6933987	MWCU6933987	03-29-2013	03-29-2013	17,675.55	USD
D	DET-INV	5247397912	865604933		08-27-2013	08-27-2013	17,700.00	USD
D	DET-INV	5247397911	866951885		08-27-2013	08-27-2013	600.00	USD
D	DET-INV	5247405985	866985523		08-28-2013	08-28-2013	2,500.00	USD
D	DET-INV	5247412370	558951709		08-29-2013	08-29-2013	300.00	USD
D	DET-INV	5247412371	558951902		08-29-2013	08-29-2013	900.00	USD
D	DET-INV	5247412372	559256824		08-29-2013	08-29-2013	600.00	USD
D	DET-INV	5247412378	559256824		08-29-2013	08-29-2013	4,200.00	USD
D	DET-INV	5247412379	865085420		08-29-2013	08-29-2013	2,370.00	USD
D	DET-INV	5247412392	865154413		08-29-2013	08-29-2013	300.00	USD
D	DET-INV	5247412381	865282148		08-29-2013	08-29-2013	1,300.00	USD
D	DET-INV	5247412395	865405678		08-29-2013	08-29-2013	300.00	USD
D	DET-INV	5247412380	865471260		08-29-2013	08-29-2013	1,300.00	USD
D	DET-INV	5247412394	865599328		08-29-2013	08-29-2013	1,700.00	USD
D	DET-INV	5247412396	865605976		08-29-2013	08-29-2013	1,300.00	USD
D	DET-INV	5247412391	865842777		08-29-2013	08-29-2013	300.00	USD
D	DET-INV	5247412393	865842781		08-29-2013	08-29-2013	2,500.00	USD
D	DET-INV	5247412382	865842785		08-29-2013	08-29-2013	300.00	USD
D	DET-INV	5247412397	866899380		08-29-2013	08-29-2013	110.00	USD
D	DET-INV	5247412398	866962842		08-29-2013	08-29-2013	400.00	USD

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Attention: Accts Payable

Statement Issue Date: 02-04-2014
Account Number: US00836806
Statement Date: 02-04-2014
Our Contact Person: Albert Avallone
Our Contact Telephone:

D	Type	Document	Reference	Customer Ref	Tran Date	Due Date	Amount	Cur
D	DET-INV	5247412399	866985525		08-29-2013	08-29-2013	100.00	USD
D	DET-INV	5247412400	866997961		08-29-2013	08-29-2013	100.00	USD
D	DET-INV	5247569583	559256824		10-09-2013	10-09-2013	36,100.00	USD
	MANUAL	3410005572	MWCU6933987	MWCU6933987	01-03-2014	01-03-2014	16,673.55-	USD
Balance Due :							135,694.00	USD

Current	1 - 30 Days	31 - 60 Days	61 - 90 Days	Over 90 Days	Cur
0.00	0.00	16,673.55-	0.00	152,367.55	USD

Information: D-Item(s) under dispute
Please note that reminder notice fees and interest charges will appear on the reminder notice.

Bank: Bank of America
Account Information:

Wire Only- ABA: 026009593 Account: 4426928403
ACH Only- ABA: 111000012 Account: 4426928403

If paying by check, please remit payment to:
Maersk Line
Attention: Payment Services-3rd Floor South
9300 Arrowpoint Boulevard
Charlotte, NC 28273-8136